

APPEAL NO. 020112  
FILED FEBRUARY 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 6, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable occupational disease injury on \_\_\_\_\_, and that the claimant has had disability as a result of her compensable injury from \_\_\_\_\_, through the date of the CCH. The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

Section 401.011(34) defines an "occupational disease" as a disease arising out of and in the course and scope of employment that causes damage or harm to the physical structure of the body, including a repetitive trauma injury. The term includes a disease or infection that naturally results from the work-related disease. The term does not include an ordinary disease of life to which the general public is exposed outside of employment, unless that disease is an incident to a compensable injury or occupational disease. The claimant claims an occupational disease through exposure to chemicals at work. Since the causal connection between the claimed injury and the employment in this case is not a matter of common knowledge, the determination of compensability must be established by a reasonable medical probability. Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980). The claimant's treating doctor has opined that in all medical probability, the claimant sustained a work-related chemical exposure injury, and has taken the claimant off work due to that injury. The claimant's testimony and the testimony of an environmental quality specialist also support the hearing officer's decision. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision in favor of the claimant on the issues of compensable injury and disability are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY  
ADDRESS  
CITY, TEXAS ZIP CODE.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Michael B. McShane  
Appeals Judge